

**United States District Court**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**for the**

Jan 05, 2018

SEAN F. McAVOY, CLERK

## Eastern District of Washington

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: James Joseph Tolman Case Number: 0980 2:03CR02237-RHW-1

Address of Offender: Wapato, Washington 98951

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: May 18, 2004

Original Offense: Possession of an Unregistered Firearm, 26 U.S.C. § 5861(d)

Original Sentence: Prison - 120 months; TSR - 36 months      Type of Supervision: Supervised Release

Asst. U.S. Attorney: Meghan McCalla Date Supervision Commenced: May 31, 2016

Defense Attorney: Jeffrey S. Dahlberg Date Supervision Expires: May 30, 2019

## PETITIONING THE COURT

To issue a warrant and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 03/22/2017 and 07/10/2017.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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5 **Standard Condition # 16:** You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.

**Supporting Evidence:** Mr. Tolman was terminated from intensive inpatient (IIP) treatment at American Behavioral Health Services (ABHS) in Spokane, Washington, on Tuesday, December 26, 2017.

Mr. Tolman's conditions were reviewed with him on June 6, 2016. He signed his conditions acknowledging an understanding of his conditions which includes standard condition number 16, as noted above.

On December 27, 2017, this officer received a phone call from Mr. Tolman's Washington State Department of Corrections (DOC) Community Corrections Officer (CCO). The CCO stated Mr. Tolman was terminated from IIP treatment at American Behavioral Health Services in Spokane, Washington, on December 26, 2017, for violation of his treatment agreement due to misusing his medications.

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- 6      **Standard Condition # 3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

**Supporting Evidence:** Mr. Tolman failed to report to the United States Probation Office within 24 hours of being discharged from intensive inpatient treatment.

Mr. Tolman's conditions were reviewed with him on June 6, 2016. He signed his conditions acknowledging an understanding of his conditions which includes standard condition number 16, as noted above.

On December 20, 2017, the undersigned officer spoke with Mr. Tolman via telephone. At the end of the conversation, the undersigned officer reminded Mr. Tolman to report, in person, to the United States Probation office within 24 hours of being released from IIP. Mr. Tolman failed to report as directed.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court issue a warrant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:      January 4, 2018

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s/Jonathan Barcom


Jonathan Barcom  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action  
☒ The Issuance of a Warrant  
☐ The Issuance of a Summons  
☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.  
☐ Defendant to appear before the Judge assigned to the case.  
☒ Defendant to appear before the Magistrate Judge.  
☐ Other

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Signature of Judicial Officer

January 5, 2018

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Date